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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

## REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/446,641
Filing Date	December 22, 1999
First Named Inventor	Tsuyonobu Hatazawa
Group Art Unit	1745
Examiner Name	T. Dove
Attorney Docket Number	9793822-0111

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

### 1. Submission required under 37 C.F.R. § 1.114

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on January 14, 2002  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Supplemental Amendment/copy of response filed 1/14/02

### 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

### 3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 19-3140
- i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☒ Other any additional amount due
- b. ☒ Check in the amount of \$ 740.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Shashank Upadhye	Registration No. (Attorney/Agent)	48,209
Signature	<i>Shashank Upadhye</i>	Date	14 March 2002

### CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type)	JoEllen Hogan	Date	3/14/02
Signature	<i>JoEllen Hogan</i>		

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: T. Hatazawa, et al.

Serial No.: 09/446,641

Filed: December 22, 1999

Filing Office: SOLID-ELECTROLYTE SECONDARY BATTERY

Case No.: 9792909-0111

Group Art Unit: 1745

Examiner: T. Dove

Date: March 14, 2002

## Certificate of Mailing (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to:

Box RCE  
Commissioner for Patents  
Washington, D.C. 20231, on:

Date of Deposit: March 14, 2002

Jo Ellen Hogan

3/14/02  
DateSUPPLEMENTAL RESPONSE

Box RCE  
Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

The applicant files this RCE in lieu of filing an appeal brief. The applicant timely filed a Response to Final Office Action and a Notice of Appeal on January 14, 2002. The case was kept alive past the six month date for responding to the Final Office Action due to the timely filing of the Notice of Appeal. An appeal brief is now due on March 14, 2002.

In placing a call to Examiner Dove, the applicant inquired whether the Response to Final Office Action was acceptable in that the Examiner, in an Advisory Action, could have: (1) not entered the Response to Final Office Action; (2) entered it but still rejected some claims as not being a condition for allowance; or (3) entered it and would have issued a Notice of Allowance. In response, the Examiner stated that the file at the USPTO had been flagged as lost and accordingly, the Examiner could not act on the Response to Final Office Action. Therefore, compliance with the rules regarding appeal briefs cannot be complied with since the status of the claims, the groupings of the claims, and the status of the Advisory Action is not yet known.

To this end, since the status of the claims is not yet known, the application could in fact be allowed, the applicant is filing a RCE in lieu of filing an appeal brief to continue prosecution. Applicant is now sending another copy of the Response to

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Final Office Action for entry or in the alternative, the Office may consider this as a preliminary amendment accompanying a RCE filing.


To the extent it is necessary to formally withdraw the Notice of Appeal, the applicant hereby withdraws its Notice of Appeal, with the proviso that the RCE is acceptable and granted, and prosecution will continue on the RCE in view of the attached Response.

Respectfully submitted,

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